

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Mack Luca,

4 Petitioner

5 v.

6 Clark County Detention Center,

7 Respondent

Case No.: 2:24-cv-00068-APG-EJY

**Order Directing Petitioner to File
Application to Proceed *In Forma Pauperis*
or Pay Filing Fee**

8 Mack Luca has submitted a *pro se* petition for writ of habeas corpus pursuant to 28
9 U.S.C. § 2241. ECF No. 1-1. He has not, however, either paid the \$5.00 filing fee or submitted a
10 completed application to proceed *in forma pauperis* with the required inmate account statements
11 for the past sixth months and financial certificate. 28 U.S.C. § 1915(a)(2); Local Rule LSR1-2.

12 This action therefore is subject to dismissal without prejudice as improperly commenced.
13 However, it is unclear from the papers presented whether a dismissal without prejudice will
14 materially affect a later analysis of any timeliness issue with respect to a new action.

15 I THEREFORE ORDER that within **30 days** of the date of this order petitioner must
16 submit either the \$5.00 filing fee or a fully completed application to proceed *in forma pauperis*.

17 I FURTHER ORDER that failure to do so may result in the dismissal of this action
18 without prejudice and without further notice.

19 I FURTHER ORDER that the Clerk of Court retain the petition but not file it at this time.

20
21 DATED this 6th day of February 5, 2024.

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23 
ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE